

Required Report - public distribution

Date: 4/8/2009

GAIN Report Number: BK9004

Bosnia and Herzegovina

AGRICULTURAL BIOTECHNOLOGY ANNUAL

New GMO Law Still to be Enforced while Import Ban Remains

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Report Highlights:

Since the passage of the Food Law of November 2004, GMOs have not been permitted into Bosnia and Herzegovina's (BiH). The new Law on GMO that was just passed, permits the importation of licensed GMOs. However, it is again a defacto ban because the approval procedure has yet to be defined, making entry impossible. BiH's anti-biotech position has influenced U.S. commercial imports, and several years ago it even opposed corn and soybean food assistance shipments. Knowledge about biotechnology is poor, even among scientists and agricultural officials. Agriculturalists and non-government organizations that promote organic agriculture oppose biotech applications and encourage producers, consumers and regulators to reject biotech products. Report updated: April, 2009. Sections updated: I, II, III, IV, V, and VI.

Section I. Executive Summary:

Bosnia and Herzegovina (BiH) imports around two-thirds of its overall food needs. The principal trading partners are neighboring countries such as Croatia and Serbia and European Union (EU) countries. Imports of U.S. consumer products have been minor. However, a U.S. food donation program successfully imported U.S. bulk commodities, mostly wheat and sunflower seed oil. Although there has not been much trade between the two countries, reservations towards the U.S. origin foods has increased recently. Generally, these impressions seem to be tied to biotechnology

applications, and particularly to products containing either soy or corn.

BiH recently started adopting regulations that govern biotech products. Following the passage of the 2004 Food Law, importation and marketing of biotech products was forbidden due to the lack of detailed regulations. However, these regulations were never drafted because it seemed more appropriate to further regulate this area with the new Law on GMO instead. The new Law on GMO that BiH Parliament just passed is in line with the European Union (EU) regulations and it allows licensed use of GMO, but again – the bylaws that define the actual approval procedures have not yet been drafted. Until these procedures are drafted and approved, no GMO will be allowed into BiH.

Generally speaking, biotech products are viewed as undesirable in BiH. Consumers dislike biotech foods and have reservations towards “GM foods” due to a lack of consumer knowledge of the subject and negative influence from EU countries. Sophisticated consumers think that they do not have enough information to be for or against biotech products, and that they need more education in order to decide whether or not they will consume such products. More information could change consumer attitudes towards biotechnology in a positive direction. Additionally, more knowledgeable consumers say they would eat biotech foods after proper testing and labeling, so they could decide whether they want to buy such a product.

The position of the EU has influenced both the regulators and consumers, but it is not the only reason for Bosnia’s resistance. Both the government and farmers tend to think that organic production is an important segment of BiH agriculture. In BiH, agricultural production is more traditionally oriented and the use of agrochemicals/pesticides is lower than elsewhere in Europe. There are also few industrial polluters. Agriculturists believe that the release of biotech products would threaten organic production in the country and cause losses of potential export markets.

Section II. Biotechnology Trade and Production:

BiH does not produce biotech crops and there are no biotechnology crops under development in BiH. The new Law on GMO that was just passed allows intentional release of GMO into environment and field trials, under license. This Law provides only general guidelines for the licensing procedure, while detailed regulations on licensing should be drafted by responsible ministries/agencies and approved by the Council of Ministers.

The country doesn’t import biotechnology crops/products and seeds. Following the passage of the 2004 Food Law, importation of GMOs was completely forbidden until detailed regulations were drafted and adopted. However, these regulations were never drafted because it seemed more appropriate to further regulate this area with the new Law on GMO instead. Prior to the entry ban set in 2004, there was no regulation on the importation and marketing of biotech products. Most biotech food products entered BiH regularly without any testing or labeling.

The country was a food aid recipient as part of the USDA monetization program from 1997 to 2003. During that period some biotech products were rejected as undesirable. In 2000, U.S. corn offered as donation under the food aid/monetization project was rejected because it had biotech content. Two years later, the country accepted biotech soybean meal imported from the U.S. as a donation only because it was approved for marketing in the EU.

Section III. New Technologies:

Bosnia and Herzegovina has no regulation on animal cloning and no plans to draft that regulation at the moment. There have been no media reports on this topic in BiH.

The responsible agencies would likely be the State Veterinary Office and the Food Safety Agency, but to date, they haven’t been involved in any activities regarding animal cloning.

Section IV. Biotechnology Policy:

The main laws that regulate agricultural biotechnology are the Food Law (BiH Official Gazette # 50/04) and the Law on Genetically Modified Organisms (BiH Official Gazette #23/09)

The Law on Genetically Modified Organisms (GMO) is an overarching law for biotechnology. This Law sets conditions

for limited use, importation, deliberate release into environment, and marketing of products that are composed of GMO, contain GMO, or derive from GMO.

The Food Safety Agency (FSA) is the umbrella agency and coordinating body for all GMO issues. In addition to the FSA, responsible agencies are the State Veterinary Office (SVO), the Plant Health Administration (PHA), and the entity-level and canton-level ministries of agriculture, health and environment.

The FSA is responsible for placing GMO food and feed on the market. The PHA is responsible for approving GMO seeds and seedlings and plant protection chemicals, upon approval of the entity and canton agricultural authorities and the Brcko District agricultural authorities.

The SVO is responsible for approving veterinary medicines and genetic materials containing GMO.

The entity ministries of agriculture, health and environment are responsible for contained use of GMO or deliberate release of GMO into environment.

The entity ministries of health and the Brcko District health department are responsible for approving cosmetics and pharmaceutical products containing GMO.

The entity and cantonal inspectorates and the Brcko District inspection department are responsible for checking proper labeling of GMO products placed on the market.

The Law on GMO sets some general guidelines for issuance of GMO permits. The FSA will process all permits in cooperation with the GMO Council and other responsible institutions. A detailed procedure for GMO permits will be drafted by the FSA adopted by the Council of Ministers. A risk assessment will be required with the request for permit. Issuance of permits will take from 90 to 105 days, according to the Law on GMO.

The Law on GMO requires the establishment of a GMO Council to assist the responsible BiH institutions with the Law enforcement. The GMO Council will be an independent and public body consisting of 7 members from areas of microbiology, genetics, medicine, biochemistry, molecular biology, pharmacy, biotechnology, agriculture, forestry, veterinary medicine, nature and environmental protection, and occupational protection, and with a four-year mandate. The main tasks of the GMO Council are to advise on biotech usage in terms of legal procedures as outlined by the Law on GMO, to give opinions and proposals on drafting other legislation on GMO use, to provide opinions and proposals to responsible ministries on biotech use issues and other expert work as outlined by the Law on GMO and related regulations, to follow on the gene technology development and use, to follow on scientific progress in this area, to advise on social, ethical, technical, scientific and other conditions for GMO use, and to inform the public using the media and professional fora on status of gene technology development and use. The GMO Council annually reports to the FSA and further to the Council of Ministers and that report is public.

The Law on GMO says that food products that contain or are composed of GMO must be labeled as follows:

- a. For packed products the label on the packaging should read: "This product contains GMO components" or "This product contains GM (name of organism)."
- b. For products that are not packed the label should read "This product contains GMO components" or "This product contains GM (name of organism)" and should be placed directly on the product or by the product. The labeling threshold is set at 0.9% meaning that products containing more GMO component must be labeled.

Regarding the coexistence between biotechnology and non-biotechnology crops, the Law on GMO forbids planting of biotechnology crops in nature-protected areas, ecological areas, areas for organic agricultural production or eco tourism, and in protected areas (i.e. as defined as protection impact zones with previously enlisted zones). In addition, biotech crop planting for reproduction are allowed only in areas that are approved by the Council of Ministers based on the FSA suggestion.

In cases when the Law on GMO cannot be applied, the Food Law and bylaws derived from that law will apply.

The Food Law adopted generally regulates import and marketing of biotech food products. According to the law provisions, biotech food products are considered "novel foods" and are mentioned as the following categories:

- Food and food ingredients which contain genetically modified organisms or are composed of such and
- Food and food ingredients, excluding food additives (aromas and enzymes), produced from the GMO, but which do not contain any GMOs;

According to the provisions of this Law, to market any novel food for the first time in BiH, the applicant must obtain a permit from the BiH Food Safety Agency, based on previously obtained scientific opinion of the responsible institutions. The Food Law also regulates the prohibition of novel food marketing if there are any scientific discrepancies regarding the harmful effect of novel foods on people's health, especially food and food ingredients containing genetically modified organisms or consisting of them (that is, if based on a scientific risk assessment, a product is established as harmful to the health, and in the case of lacking relevant scientific information and knowledge about the possible extent of the negative consequences to human life and health, the product is deemed harmful).

The Law on Seeds and Seedlings (BiH Official Gazette # 3/05) only mentions that biotech seeds and seedlings have to be labeled.

To summarize - no biotech crops have been approved for planting or field testing and no biotech crops have been approved for food or feed use. The Law on GMO outlines the approval process, but bylaws that define the actual procedures have not been drafted yet. Until these bylaws are passed, no GMO will be allowed into BiH.

Treatment of stacked events has not been mentioned by the existing regulations.

The main political factor that influences regulatory decisions related to agricultural biotechnology is the country's goal to join the European Union integration. As a result, the country has been continuously adopting laws and regulations in line with those of the EU.

BiH is not party to the Cartagena Biosafety Protocol.

Section V. Marketing:

The market acceptance of biotech products for producers, importers, retailers, and consumers has been officially unknown. There have been no studies regarding this topic. BiH has gone through a recent war with much destruction taking place, and the country is still suffering a poor economic situation. As a result, biotechnology is a sort of new issue. The knowledge about biotechnology is poor even between scientists and agricultural officials. However, the level of biotech acceptance has decreased during the last five years due to EU influence and the anti-biotech positions of some neighboring countries, especially Croatia. Also, agriculturists and non-government organizations that promote organic agriculture are opposing biotechnology applications in general and are influencing producers, consumers and regulators to reject biotech products. Recently, the media and consumer's association in BiH criticized BiH authorities for not better controlling imported foods with biotech content and for approving the import of biotech commodities from the U.S. under the food aid program. This "anti-GMO" movement in BiH is weak at the moment but tends to become stronger in the future.

Section VI. Capacity Building and Outreach:

In May 2002, the Agricultural Faculty in Sarajevo organized a conference on agricultural biotechnology regulations and environmental risk assessments. USDA supported the conference through an American private voluntary organization that was approved for the monetization program. The main outcome of the conference was recognition that BiH has to become more actively involved in biotechnology research and applications, and that the country urgently needs national legislation for biotech products.

Under the Cochran Fellowship Program, two young scientists attended the Agricultural Biotechnology Short Course in summer 2003 organized by Michigan State University (MSU) in collaboration with USDA. In 2006, two candidates from the Agricultural Institute Banja Luka were accepted for the same course.

It might be useful to support in-country biotech informational events such as to provide leading U.S. scientific and/or agricultural production authority to speak to the relevant BiH stakeholders and also to ensure that a fair and transparent system is established. BiH is still creating its regulatory structure for approving biotech products, and an introduction of the scientific and productive evidence available in the U.S can be important.